

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

COLEEN L. POWERS,

Plaintiff,

vs.

NWA, INC., et al.,

Defendants.

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FILED UNDER SEAL

EX PARTE

No. 05-2468-STA-tmp

ORDER VACATING ORDER ENTERED ON JULY 16, 2010
AND
ORDER CONCERNING EX PARTE DOCUMENT FILED ON JULY 14, 2010

On July 14, 2010, the United States filed a sealed, ex parte document in this closed case, entitled "The United States' Notice of Election to Decline Intervention" (Docket Entry ("D.E.") 122), advising that it declined to intervene in this action. On July 16, 2010, the Court issued an order that the complaint be unsealed and served on the defendants. (D.E. 123.) On further consideration, that order is VACATED.

This case was closed on August 28, 2008. (See D.E. 104 & 105.) No pleading that was properly filed in this case asserted a claim under the False Claims Act ("FCA"), 31 U.S.C. §§ 3729 et seq. Plaintiff attempted, at various times, to file amended complaints that might have asserted one or more FCA claims, but those complaints were not docketed because they violated orders directing Plaintiff not to submit any document for filing on behalf of any

person other than herself. Plaintiff's various proposed amended complaints were brought on behalf of James G. Blodgett, Jr. and contained class allegations. In an order issued on February 28, 2008, United States District Judge J. Daniel Breen struck all documents filed in violation of previous orders, denied leave to amend, and dismissed all claims with prejudice except for a claim against Pinnacle Airlines, Inc. under the Sarbanes-Oxley Act, 18 U.S.C. § 1514A, and its regulations. (See D.E. 76 at 6-8; D.E. 81.) The case was reassigned to this judge on May 21, 2008, and, on August 28, 2008, the Court dismissed the remaining claim because Plaintiff failed to obtain a summons. (D.E. 104.)

Because the case is closed, no further action will be taken. The Clerk is directed to serve a copy of this order on the United States.

IT IS SO ORDERED this 16th day of July, 2010.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE